

AIR TRANSPORT SERVICES

Exchange of notes at Washington February 3, 1945, with text of agreement

Entered into force February 3, 1945; operative February 15, 1945

Amended by agreements of June 2 and 3, 1947,¹ and March 4, 1958²

59 Stat. 1402; Executive Agreement Series 460

The Assistant Secretary of State to the Irish Minister

DEPARTMENT OF STATE

WASHINGTON

February 3, 1945

SIR:

I have the honor to refer to discussions which began at the recent International Civil Aviation Conference in Chicago, and which have since been continued, on the subject of a reciprocal air transport agreement between the Government of the United States and the Government of Ireland.

It is my understanding that these discussions and negotiations, now terminated, have resulted in the following agreement:

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND IRELAND RELATING TO AIR TRANSPORT SERVICES

Having in mind the resolution recommending a standard form of agreement for provisional air routes and services, included in the Final Act of the International Civil Aviation Conference signed at Chicago on December 7, 1944, and the desirability of mutually stimulating and promoting the sound economic development of air transportation between the United States and Ireland, the two Governments parties to this arrangement agree that the further development of air transport services between their respective territories shall be governed by the following provisions:

¹ TIAS 1620, *post*, p. 49.

² 9 UST 307; TIAS 4007.

ARTICLE 1

The contracting parties grant the rights specified in the Annex hereto necessary for establishing the international civil air routes and services therein described, whether such services be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

ARTICLE 2

(a) Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall, subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airline so designated may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

(b) It is understood that either contracting party granted commercial rights under this agreement should exercise them at the earliest practicable date except in the case of temporary inability to do so.

ARTICLE 3

In order to prevent discriminatory practices and to assure equality of treatment, both contracting parties agree that:

(a) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the contracting parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into the territory of one contracting party by the other contracting party or its nationals, and intended solely for use by aircraft of such other contracting party shall be accorded national and most-favored-nation treatment with respect to the imposition of customs duties, inspection fees or other national duties or charges by the contracting party whose territory is entered.

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one contracting party

authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

ARTICLE 4

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting party shall be recognized as valid by the other contracting party for the purpose of operating the routes and services described in the Annex. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

ARTICLE 5

(a) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the other contracting party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

(b) The laws and regulations of one contracting party as to the admission to or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the other contracting party upon entrance into or departure from, or while within the territory of the first party.

ARTICLE 6

Each contracting party reserves the right to withhold or revoke a certificate or permit to an airline of the other party in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of either party to this agreement, or in case of failure of an airline to comply with the laws of the State over which it operates as described in Article 5 hereof, or to perform its obligations under this agreement.

ARTICLE 7

This agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization.

ARTICLE 8

Operating rights granted previously by either of the contracting parties shall continue in force according to their terms.

ARTICLE 9

This agreement or any of the rights for air transport services granted thereunder may, without prejudice to Article 8 above, be terminated by either contracting party upon giving one year's notice to the other contracting party.

ARTICLE 10

Except as may be modified by the present agreement, the air navigation arrangement between the two contracting parties signed September 29, 1937, and November 4, 1937,³ shall continue in force until superseded by a multilateral aviation convention to which Ireland and the United States become contracting parties.

ARTICLE 11

In the event either of the contracting parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both contracting parties, such consultation to begin within a period of sixty days from the date of the request. In case the aforementioned authorities mutually agree on new or revised conditions affecting the Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.

ANNEX TO AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES
OF AMERICA AND IRELAND

A. Airlines of the United States authorized under the present agreement are accorded in the territory of Ireland rights of transit, non-traffic stop, and commercial entry for international traffic at Shannon airport (Foynes and Rineanna), on the following routes:

The United States to Ireland and countries beyond, via intermediate points; in both directions.

It is agreed that in view of the long transoceanic flight necessary on the above routes, and considering the still limited development of aeronautical science, all eastbound aircraft on routes covered in this Annex shall stop at Shannon airport as first European port of call and all westbound aircraft on the same routes shall stop at Shannon airport.⁴

B. Airlines of Ireland authorized under the present agreement are accorded in the territory of the United States rights of transit, non-traffic stop

³ EAS 110, *ante*, p. 36.

⁴ For a modification of para. A, see agreement of Mar. 4, 1958 (9 UST 307; TIAS 4007).

and commercial entry for international traffic at specific airports in connection with such route or routes as may be determined at a later date.⁵

C. Aircraft of either contracting party availing itself of the non-traffic stops granted by this agreement may be required by the other contracting party to offer reasonable commercial services in passengers, cargo and mail, both outward and inward.

You will, of course, understand that this agreement may be affected by subsequent legislation enacted by the Congress of the United States.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the agreement resulting from the negotiations are as above set forth. If so, it is suggested that February 15, 1945 become the effective date. If your Government concurs in this suggestion the Government of the United States will regard the agreement as becoming effective at such time.

Accept, Sir, the renewed assurances of my highest consideration.

W. L. CLAYTON

The Honorable

ROBERT BRENNAN,

Minister of Ireland.

The Irish Minister to the Secretary of State

IRISH LEGATION

WASHINGTON, D.C.

February 3, 1945

SIR:

I have the honor to acknowledge the receipt of your note of February 3, 1945, in which you communicated to me the terms of a reciprocal air transport agreement between Ireland and the United States of America, as understood by you to have been agreed to in negotiations, now terminated, between the Delegations of the Irish Government and the Government of the United States at the International Civil Aviation Conference in Chicago.

The terms of this agreement which you have communicated to me are as follows:

[For terms of agreement, see U.S. note, above.]

I am instructed to state that the terms of the agreement as communicated to me are agreed to by my Government. Furthermore, I am pleased to add

⁵ For an amendment of para. B, see agreement of June 2 and 3, 1947 (TIAS 1620), *post*, p. 49.

that your suggestion that the agreement become effective on February 15, 1945, is acceptable to my Government.

I avail myself of the occasion to renew to you, Sir, the assurances of my highest consideration.

ROBT. BRENNAN

*Envoy Extraordinary and
Minister Plenipotentiary*

The Honourable

EDWARD R. STETTINIUS, Jr.
Secretary of State